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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,950	12/11/2000	Cecilia Y. Mak	005621	3444
32588	7590	10/27/2004		
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050				
			EXAMINER TRAN, BINH X	
			ART UNIT 1765	PAPER NUMBER

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,950

Applicant(s)

MAK ET AL

Examiner

Binh X Tran

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-87 and 98-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 76-87 and 98-105 is/are allowed.
- 6) ☒ Claim(s) 106-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
2. Claims 106-113 are rejected under 35 U.S.C. 102(e) as being anticipated by Lackritz et al. (US 6,724,968).

Respect to claims 106, Lackritz discloses a method comprising: depositing one or more of the lower cladding core layer, upper cladding layer and heating treating via radiation one or more of the lower cladding, the core and the upper cladding without exposing the substrate to atmosphere following the deposition thereof (col. 26 lines 34 to col. 7 line 8; Figure 8).

Respect to claim 107, Lackritz discloses depositing the core layer and forming a light propagating channels in the core. Respect to claims 108-112, Lackritz discloses to cure or using a thermal process (read "heat treated") the lower cladding, the core and the upper cladding without exposing to atmosphere following the deposition thereof col. 26 lines 34 to col. 7 line 8, Fig 8). Respect claim 113, Lackritz teaches to deposit an encapsulation layer over the upper cladding (col. 27 lines 9-20)

Allowable Subject Matter

3. Claims 71-87, 98-105 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: The reasons for allowance were discussed in previous office action.

Response to Arguments

5. Applicant's arguments, with respect to 35 U.S.C 112, second paragraph, filed 7-26-2003, with respect to claims 106-113 have been fully considered and are persuasive. The 35 U.S.C 112, second paragraph of claims 106-113 has been withdrawn.
6. The applicants argue, "Lackritz et al. describes a method of treating a substrate in which a substrate roll is unwound and moved using a system of roller such that it can be coated and treated as require to create a web of a multiplayer structure". According to applicants, Lackritz does not teach a method comprising "depositing one or more of a lower cladding, a core and an upper cladding and without exposing the substrate to atmosphere, heat treating one or more of the lower cladding, the core and the upper layer following deposition thereof". The examiner disagrees. The examiner acknowledges that Lackritz teaches unwind the substrate in the beginning (step 802) and wind the substrate at the end of the process using a roller (step 818) (See Fig 8). However, Lackritz also teaches to deposit lower cladding, core layer and upper cladding layer and to cure these layers after the deposition thereof without exposing to atmosphere (See step 806 to step 816 of Fig 8; Note: curing step of Lackritz is equivalent with applicant's "heat treating step"). It is noticed that the applicants use the transitional phrase "comprising". The transitional term "comprising is inclusive or open-

ended and does not exclude additional, unrecited elements or method steps (See MPEP 2111.03). The applicants only claim the substrate is not exposed to atmosphere between the coating step and heat-treating step. There is no limitation in the claim indicates that the substrate will never expose to atmosphere under any circumstances. Thus, the examiner still maintains the 35 U.S.C 102 (e) rejections.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh X Tran whose telephone number is (571) 272-1469. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh X. Tran

NADINE G. NORTON
SUPERVISORY PATENT EXAMINER

